

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)	
U-Store-It, Inc.,)	
)	
Complainant,)	
)	
v.)	Case No. 04-1453-EL-CSS
)	
Green Mountain Energy Co., et al.)	
)	
Respondents.)	

ENTRY

The attorney examiner finds:

- (1) On September 22, 2004, U-Store-It filed a complaint stating that at its 6745 Engle Road facility, it has four accounts with The Cleveland Electric Illuminating Company (CEI), each account being associated with two meters. U-Store-It alleges that its electric service was improperly switched from CEI to Green Mountain Energy Company (Green Mountain). The complaint also identifies Northeast Ohio Public Energy Council (NOPEC) as the governmental aggregator in these allegedly improper account switches. U-Store-It also alleges that, as a result of these actions, it was overcharged for electricity.
- (2) On October 20, 2004, the attorney examiner directed that Cleveland Electric Illuminating Company (CEI) be made a respondent in this matter. All respondents were served and have answered. Additionally, NOPEC filed a cross-claim against CEI, and that cross claim has been timely answered.
- (3) Originally, this case was consolidated with a number of other similar cases for settlement purposes. However, due to the unavailability of counsel for the complainant, this case has become separated in time from the other cases. Those cases are now in the middle of a procedural schedule leading to a hearing in early March 2005. This case was re-scheduled for a separate settlement conference that was held on January 5, 2005. However, the parties were unable to resolve this matter informally, at that time.

- (4) Upon review of the pleadings filed in these matters, the examiner finds that reasonable grounds for complaint have been alleged by complainant. In view of the inability of the parties to resolve this matter informally, the examiner now finds that this matter should be scheduled for a hearing. Accordingly, a hearing in this matter should be held on Wednesday, April 20, 2005, at 10:00 a.m., at the offices of the Commission, in Hearing Room 11-F, 180 East Broad Street, Columbus, Ohio 43215.
- (5) It is also appropriate to establish a procedural schedule for this case. The following is the procedural schedule for the instant complaint:
 - (a) The cut-off date for completion of discovery is March 22, 2005.
 - (b) A telephonic status conference is scheduled for Tuesday, March 15, 2005, at 10:00 a.m. The call-in phone number for the conference call is 614/644-1080.
- (6) The parties are encouraged to continue to work toward resolving this matter.
- (7) Any party intending to present direct, expert testimony should comply with Rule 4901-1-29(A)(1)(j), O.A.C., which requires that all such testimony to be offered in this type of proceeding be filed and served upon all parties no later than seven days prior to the commencement of the hearing. Further, no later than seven days prior to the hearing date, parties are to file stipulations of fact, to the extent such facts are undisputed. The parties are encouraged to submit joint stipulations of fact to the extent that is practical.

It is, therefore,

ORDERED, That an evidentiary hearing in these consolidated cases is scheduled for Wednesday, April 20, 2005, at 10:00 a.m. in Hearing Room 11-F, 11th floor of the offices of the Commission, 180 East Broad Street, Columbus, Ohio 43215-3793. It is, further,

ORDERED, That a telephonic status conference shall be held on Tuesday, March 15, 2005, at 10:00 a.m. It is, further,

ORDERED, That the cutoff date for completion of discovery is March 22, 2005. It is, further,

ORDERED, That any stipulations of fact be filed by April 13, 2005. It is, further,

ORDERED, That all direct, expert testimony be pre-filed by April 13, 2005. It is, further,

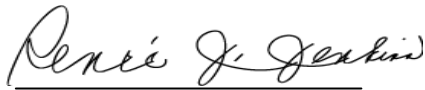
ORDERED, That a copy of this entry be served upon all parties and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

By: John L. Shailer
Attorney Examiner

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Entered in the Journal



Renee J. Jenkins
Secretary

This document was filed with PUCO Docketing on

1/24/2005 @ 12:55:18 PM